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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

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Jessica Reiten

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JESSICA REITEN,

Plaintiff,

v.

**D. SCOTT CARRUTHERS,
A PROFESSIONAL LAW
CORPORATION,**

Defendant.

84CV13-1305SVW (A6P)

**COMPLAINT FOR DAMAGES
FOR VIOLATIONS OF THE
FAIR DEBT COLLECTION
PRACTICES ACT 15 U.S.C. §§
1692-1692(P)**

JURY TRIAL DEMANDED

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COMPLAINT FOR DAMAGES

PAGE 1 OF 10

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2700 N. Main Street, Ste. 1000
Santa Ana, California 92705

INTRODUCTION

1. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq, to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.
2. The California legislature has determined that the banking and credit system and grantors of credit to consumers are dependent upon the collection of just and owing debts and that unfair or deceptive collection practices undermine the public confidence that is essential to the continued functioning of the banking and credit system and sound extensions of credit to consumers. The Legislature has further determined that there is a need to ensure that debt collectors exercise this responsibility with fairness, honesty, and due regard for the debtor's rights and that debt collectors must be prohibited from engaging in unfair or deceptive acts or practices.¹
3. JESSICA REITEN ("Plaintiff"), by Plaintiff's attorneys, brings this action to challenge the actions of D. SCOTT CARRUTHERS, A PROFESSIONAL LAW CORPORATION ("Defendant") with regard to attempts by Defendant, debt collectors, to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff damages.

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¹ Cal. Civ. Code §§ 1788.1 (a)-(b)

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4. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which Plaintiff alleges on personal knowledge.

5. While many violations are described below with specificity, this Complaint alleges violations of the statute cited in its entirety.

6. Unless otherwise stated, all the conduct engaged in by Defendant took place in California.

7. Any violations by Defendant were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violation.

8. Unless otherwise indicated, the use of Defendant's name in this Complaint includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of Defendant's named.

JURISDICTION AND VENUE

9. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692(k).

10. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692(p) ("FDCPA").

11. Because Defendant conducts business within the State of California, personal jurisdiction is established.

12. Venue is proper pursuant to 28 U.S.C. § 1391.

PARTIES

13. Plaintiff is a natural person who resides in the State of California, from whom a debt collector sought to collect a consumer debt which was due and owing or alleged to be due and owing from Plaintiff. In addition, Plaintiff is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

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1 14. Plaintiff is informed and believes, and thereon alleges, that Defendant is a
2 company operating from the County of Orange, State of California.

3 15. Plaintiff is informed and believes, and thereon alleges, that Defendant, in the
4 ordinary course of business, regularly, on behalf of themselves or others,
5 engage in "debt collection" and are therefore "debt collectors" as the terms are
6 defined by 15 U.S.C. § 1692a(6).

7 16. This case involves money, property or their equivalent, due or owing or
8 alleged to be due or owing from a natural person by reason of a consumer
9 credit transaction. As such, this action arises out of a "debt" as that term is
10 defined by 15 U.S.C. 1692a(5).

11 **FACTUAL ALLEGATIONS**

12 17. At all times relevant, Plaintiff is an individual residing within the State of
13 California.

14 18. Plaintiff is informed and believes, and thereon alleges, that at all times
15 relevant, Defendant conducted business in the State of California.

16 19. In or about 2010, Plaintiff allegedly incurred financial obligations to the
17 original creditor, Dartmouth College, that were money, property, or their
18 equivalent, which is due or owing, or alleged to be due or owing, from a
19 natural person to another person and were therefore "debt(s)" and a
20 "consumer debt" as the terms are defined by 15 U.S.C. § 1692a(6).

21 20. Subsequently, the alleged debt was allegedly assigned, placed, or otherwise
22 transferred, to Defendant for collection.

23 21. Thereafter, but before June 2013, Dartmouth College retained Defendant, a
24 debt collector pursuant to the FDCPA, to proceed with collection and legal
25 action against Plaintiff for the collection of Plaintiff's alleged financial
26 obligations.

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1 22. On June 20, 2013 at 8:46 a.m., Defendant sent Defendant's initial written
2 communication to Plaintiff via e-mail. Said e-mail stated the following:

3
4 THIS EMAIL IS SENT PER YOUR REQUEST:

5 DON SUMMERS
6 MANAGER
7 800-495-****²

8 23. Defendant's initial written communication constitutes a violation of 15 U.S.C.
9 § 1692(g) failing to include:

10
11 A. the amount of the debt;

12 B. the name of the creditor to whom the debt is owed;

13 C. a statement that unless the consumer, within thirty days after receipt
14 of the notice, disputes the validity of the debt, or any portion thereof,
15 the debt will be assumed to be valid by the debt collector;

16 D. a statement that if the consumer notifies the debt collector in writing
17 within the thirty-day period that the debt, or any portion thereof, is
18 disputed, the debt collector will obtain verification of the debt or a
19 copy of a judgment against the consumer and a copy of such
20 verification or judgment will be mailed to the consumer by the debt
21 collector; and,

22 E. a statement that, upon the consumer's written request within the
23 thirty-day period, the debt collector will provide the consumer with
24 the name and address of the original creditor, if different from the
25 current creditor.

26 24. 15 U.S.C. § 1692g is incorporated into the RFDCPA through Cal. Civ. Code
27 § 1788.17; thus, Defendant has also violated Cal. Civ. Code § 1788.17.

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² Mr. Summers' telephone number has been redacted in order to protect Mr. Summers' privacy.

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25. Defendant's initial written communication failed to state that Defendant was attempting to collect a debt, and that any information obtained would be used for that purpose in violation of 15 U.S.C. § 1692e(11).

26. 15 U.S.C. § 1692e(11) is incorporated into the RFDCPA through Cal. Civ. Code § 1788.17; thus, Defendant has also violated Cal. Civ. Code § 1788.17.

27. Attached to Defendant's June 20, 2013 e-mail was another written communication.

28. For the reasons discussed above, said written communication also constitutes a violation of 15 U.S.C. 1692e(11); 1692g; and, Cal. Civ. Code § 1788.17 by failing to inform Plaintiff of the necessary information with regard to Plaintiff's alleged debt.

29. Furthermore, Defendant's June 20, 2013 written communication also attempted to collect \$13,021.80, an invalid debt from Plaintiff.

30. Evidence of the fact that Defendant was attempting to collect an invalid debt from Plaintiff is the Prayer for Relief in the lawsuit entitled *Dartmouth College v. Jessica Reiten And DOES 1 through 10, inclusive* filed in the Orange County Superior Court, court case no.: 30-2013-00660775 ("the State Action").

31. Page 3 of the State Action prays for judgment against Plaintiff as follows:

- A. For \$7,932.52, principal;
- B. For interest thereon at the rate of 5 % per annum from 09/15/2010;
- C. For reasonable attorney fees of \$ 675.95
- D. For costs of suit incurred herein; and,
- E. For such other and further relief as the court deems just and proper.

32. Both written communications failed to provide the required Notice of Debtor's Rights, pursuant to Cal. Civ. Code § 1812.700, and in the manner prescribed by Cal. Civ. Code § 1812.700(b) and Cal. Civ. Code § 1812.701(b). Consequently, pursuant to Cal. Civ. Code § 1812.702, this

omission by Defendant violated the Rosenthal Act:

33. As of June 20, 2013, two years of interest had accrued on Plaintiff's alleged debt at 5% per year. Assuming arguendo that the amount of Plaintiff's alleged debt was valid and the interest rate was also valid, Plaintiff's alleged debt as of June 20, 2013 was \$8,745.61, an amount significantly less than demanded by Defendant.

34. Defendant's demand of \$13,021.80 constitutes a violation of 15 U.S.C. § 1692e by using false, deceptive and misleading representations in connection with the collection of Plaintiff's alleged debt. This section is incorporated into the RFDCPA through Cal. Civ. Code § 1788.17; thus, Defendant has also violated Cal. Civ. Code § 1788.17.

35. Defendant's June 20, 2013 written communication falsely represented the amount of Plaintiff's alleged debt in violation of 15 U.S.C. § 1692e(2)(A). This section is incorporated into the RFDCPA through Cal. Civ. Code § 1788.17; thus, Defendant has also violated Cal. Civ. Code § 1788.17.

36. Defendant's use of false representations and deceptive means in attempting to collect Plaintiff's alleged debt constitutes a violation of 15 U.S.C. § 1692e(10). This section is incorporated into the RFDCPA through Cal. Civ. Code § 1788.17; thus, Defendant has also violated Cal. Civ. Code § 1788.17.

37. Defendant's misrepresentation of the amount of Plaintiff's alleged debt constitutes a violation of 15 U.S.C. § 1692f by using unfair and unconscionable means to attempt to collect Plaintiff's alleged debt. This section is incorporated into the RFDCPA through Cal. Civ. Code § 1788.17; thus, Defendant has also violated Cal. Civ. Code § 1788.17.

38. Defendant's June 20, 2013 written communication constitutes a violation of 15 U.S.C. § 1692f(1) by collection an amount from Plaintiff that Defendant was not expressly authorized to collect by the agreement creating the debt or permitted by law. This section is incorporated into the RFDCPA through

Cal. Civ. Code § 1788.17; thus, Defendant has also violated Cal. Civ. Code § 1788.17.

39. Through this conduct, Defendant took actions against Plaintiff concerning the alleged debt in violation of the statute discussed above. Consequently, Defendant has violated 15 U.S.C. §§ 1692e; 1692e(2)(A); 1692e(10); 1692e(11); 1692f; 1692f(1); and, 1692g. In addition, Defendant also violated Cal. Civ. Code § 1788.17.

CAUSES OF ACTION CLAIMED BY PLAINTIFF

COUNT I

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §§ 1692-1692(p) (FDCPA)

[Against All Defendants]

40. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

41. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA.

42. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each Defendant individually.

COUNT II

VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

Cal. Civ. Code §§ 1788-1788.32 (RFDCPA)

[Against All Defendants]

43. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

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1 44. The foregoing acts and omissions constitute numerous and multiple violations
2 of the RFDCPA.

3 45. As a result of each and every violation of the RFDCPA, Plaintiff is entitled to
4 any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory
5 damages for a knowing or willful violation in the amount up to \$1,000.00
6 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's fees and
7 costs pursuant to Cal. Civ. Code § 1788.30(c) from each Defendant
8 individually.

9 PRAYER FOR RELIEF

10 **WHEREFORE,** Plaintiff prays that judgment be entered against Defendant for:

- 11 • an award of actual damages, in an amount to be determined at trial,
12 pursuant to Cal. Civ. Code § 1788.30(a), against each named Defendant
13 individually;
 - 14 • an award of actual damages, in an amount to be determined at trial,
15 pursuant to 15 U.S.C. § 1692k(a)(1), against each named Defendant
16 individually;
 - 17 • an award of statutory damages of \$1,000.00, pursuant to Cal. Civ. Code
18 § 1788.30(b), against each named Defendant individually;
 - 19 • an award of statutory damages of \$1,000.00, pursuant to 15 U.S.C. §
20 1692k(a)(2)(A), against each named Defendant individually;
 - 21 • an award of costs of litigation and reasonable attorney's fees, pursuant to
22 Cal. Civ. Code § 1788.30(c), against each named Defendant
23 individually.
 - 24 • an award of costs of litigation and reasonable attorney's fees, pursuant to
25 15 U.S.C. § 1692k(a)(3), against each named Defendant individually;
26 and,
 - 27 • any and all other relief that this Court deems just and proper.
- 28

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Santa Ana, California 92705

TRIAL BY JURY

46. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: August 22, 2013

Respectfully submitted,

KAZEROONI LAW GROUP, APC

By: 

ABBAS KAZEROUNIAN, ESQ.
ATTORNEY FOR PLAINTIFF

KAZEROONI LAW GROUP, APC
2700 N. Main Street, Ste. 1000
Santa Ana, California 92705

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Facsimile: (800) 520-5523

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JESSICA REITEN,

CASE NUMBER

SA CV13-1305

SVW (AGP-x)

PLAINTIFF(S)

D. SCOTT CARRUTHERS, A PROFESSIONAL
LAW CORPORATION,

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Matthew M. Loker, Esq., whose address is 2700 North Main Street, Suite 1000, Santa Ana, CA 92705. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

AUG 23 2013

Clerk, U.S. District Court



Dated: _____

By: JULIE PRADO

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JESSICA REITEN,	DEFENDANTS D. SCOTT CARRUTHERS, A PROFESSIONAL LAW CORPORATION,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Matthew M. Loker, Esq. (SBN 279939) 245 Fischer Avenue, Unit D1, Costa Mesa, CA 92626 Telephone: (800) 400-6808 ext. 5 Facsimile: (800) 520-5523	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)	MONEY DEMANDED IN COMPLAINT: \$ _____
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 U.S.C. § 1692, et seq. - Unfair Debt Collection Practices

VII. NATURE OF SUIT (Place an X in one box only.)					
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	OTHER PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

SACV13-1305

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: <u>Orange County</u>	California County outside of this District; State, if other than California; or Foreign Country

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: <u>Orange County</u>	California County outside of this District; State, if other than California; or Foreign Country

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: <u>Orange County</u>	California County outside of this District; State, if other than California; or Foreign Country

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER)

Date August 20, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Stephen V. Wilson and the assigned Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

8:13CV1305 SVW AGRx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

August 23, 2013

Date

By J. Prado

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.